

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

Row Vaughn Wells, Individually and as Administratrix of the Estate of Tyre Deandre Nichols, Deceased,)
)
)
Plaintiff,)
)
v.)
)
The City of Memphis, Tennessee; Chief Cerelyn Davis; Emmitt Martin III; Demetrius Haley; Justin Smith; Desmond Mills, Jr.; Tadarrius Bean; Preston Hemphill; Robert Long; JaMichael Sandridge; Michelle Whitaker; DeWayne Smith,)
)
Defendants.)

CASE NO. 2:23-CV-02224-SHL-atc
JURY DEMAND

**THE CITY DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO CONTINUE
JULY 23 HEARING OR ORDER REMOTE HEARING**

Defendant the City of Memphis (the “City”) respectfully submits this Response to Plaintiff’s Motion to Continue July 23 Hearing or Order Remote Hearing. (ECF No. 448.)

Due to the large number of parties and attorneys in this case, the City feels that it is appropriate to keep the July 23, 2025 Status Conference as originally scheduled. It appears that counsel for all of the parties are available to attend the July 23, 2025 Status Conference, either remotely or in-person. In fact, counsel for Plaintiff will be in Memphis for a deposition on July 23, 2025. Consequently, Plaintiff’s counsel can make themselves available in-person and their

more senior counsel can be available virtually.¹ It should also be noted that Plaintiff has 10 attorneys of record in this case.

The City also participated in a conference call with the Court's case manager (Mr. Warren) on Monday, July 14 to discuss the nature of the Status Conference. There was some concern from Plaintiff's counsel that we would be arguing all pending motions on July 23 and that it would interfere with the deposition scheduled for that day. We inquired with Mr. Warren as to whether the motions would be argued at that time. He advised that this is merely a status conference, and he explained that no motions would be substantively argued. He further explained that if the Court intended to hear arguments, the Court would set a hearing for each motion to be heard. He also explained how packed the Court's calendar is for the month of August 2025 and the difficulty with finding another available date.

In light of this, the City believes it is appropriate and efficient to keep the originally scheduled Status Conference set for July 23, 2025 at 1:30 pm, which is a date and time when counsel for all the parties is available.

The City has no opposition to counsel for Plaintiff appearing remotely (or some combination of virtual and in-person attendance) at the Status Conference, but the City feels that direct in-person communication with the Court is the most effective and efficient way to proceed. Accordingly, the City objects to Plaintiff's alternative request for the Court to **mandate** a virtual format for the Status Conference on July 23, 2025 for all the parties.

¹ Steve Weil represented to the case manager on the July 14, 2025 conference call that he and Antonio Romanucci were "senior counsel" on this case.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

s/ Bruce McMullen

Bruce McMullen (#18126)
Jennie Vee Silk (#35319)
Kelsey W. McKinney (#40434)
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Telephone: (901) 526-2000
bmcmullen@bakerdonelson.com
jsilk@bakerdonelson.com
kmckinney@bakerdonelson.com

*Attorneys for Defendant City of Memphis,
Chief Cerelyn Davis in her Individual
Capacity, and Dewayne Smith as Agent of
the City of Memphis*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon all other counsel of record and the Guardian Ad Litem via email on July 16, 2025.

s/ Bruce A. McMullen
